

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAPA CHEIKHOU DIOP,

Petitioner,

v.

CASE NO. 2:24-CV-13019
HON. JONATHAN J.C. GREY

MARCEL MIKULAC,

Respondent.

ORDER TRANSFERRING CASE

Federal immigration detainee Papa Cheikhou Diop (“Diop”), currently confined at the Calhoun County Correctional Center in Battle Creek, Michigan, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. In his petition, Diop raises claims concerning the length of his detention without due process, his physical and mental health, and his limited resources to file legal documents. (ECF No. 1, PageID.6-8.)

A petition for a writ of habeas corpus under 28 U.S.C. § 2241 must be filed in the district court having jurisdiction over the petitioner’s custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *Braden v. 30th Judicial Cir. Ct.*, 410 U.S. 484, 499-500 (1973); *In re Hanserd*, 123 F.3d

922, 925 (6th Cir. 1997). Petitioner is incarcerated in Battle Creek, Michigan. (ECF No. 1, PageID.1.) Battle Creek is in Calhoun County, Michigan, which is located within the jurisdiction of the United States District Court for the Western District of Michigan. *See* 28 U.S.C. § 102(b)(1). Consequently, the Court does not have jurisdiction to hear this case under 28 U.S.C. § 2241.

Pursuant to 28 U.S.C. § 1631, the Court is authorized to transfer the habeas petition to the federal district court that has jurisdiction over Diop's custodian. It is appropriate to do so here. Accordingly, the Court **ORDERS** the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan for further proceedings. The Court makes no determination as to the merits of the habeas petition.

SO ORDERED.

Dated: November 21, 2024

s/ Jonathan J.C. Grey
Jonathan J.C. Grey
United States District Judge

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 21, 2024.

s/ S. Osorio
Sandra Osorio
Case Manager